

REMARKS

The Office Action mailed September 17, 2009, considered and rejected claims 1-28. Claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Whelan* (U.S. Publ. No.: 2004/0198220) in view of *Meier* (U.S. Patent No.: 6,950,628), and further in view of *Kallio* (U.S. Publ. No. 2004/0014422).¹

By this paper, claims 1, 10, 19 and 24 are amended, claim 44 is added, and no claims are cancelled. Accordingly, following entry of this paper, claims 1-28 and 44 are pending, of which claims 1, 10, 19 and 24 are the independent claims at issue.

As discussed previously with the Examiner, and as reflected in the above claims, the claims specifically identify a discovery process in which the station seeks discovery information from multiple access points, and obtains discovery information from an access point that is thereafter selected. After selecting the access point, the station authenticates the selected access point. Authentication includes sending the *same discovery information about the access point's capabilities* and obtained during discovery back to the access point from which it was ostensibly received, and then receiving an acknowledgement receipt to indicate that the information believed received from the access point, including the capabilities information of the access point, matches the information that the access point sent during discovery.

Applicant notes that claims 1 and 10 recite corresponding method and computer-program product claims, respectively, from the perspective of the station. Claims 19 and 24 generally relate to claims 1 and 10, and are also method and computer-program product claims, respectively, but are from the perspective of the verified access point.

Applicant respectfully submits that while *Whelan*, *Meier* and *Kallio* generally relate to managing wireless stations and the communications therewith, that they fail to render the pending claims unpatentable for at least the reason that they fail to disclose or reasonably support all of the claim elements of the pending claims, including at least a client station that obtains discovery information about the access point's capabilities, and then sends the same capability information previously received from the access point back to the access point for confirmation that it matches what the access point originally sent, as recited in combination with the other claim elements.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

For example, *Whelan* relates to roaming WLANS, but the Office correctly acknowledges that it is deficient in regard to sending information back to an access point. (Office Action, p. 5). Applicant respectfully submits that *Meier* and *Kallio* are equally deficient in this regard, particularly when considering that the information sent back to the access point includes capabilities of the access point as previously received from the access point, as recited in combination with the other claim elements.

For example, *Meier* discloses a method for associating a wireless station to a service set configured at an access point. Each service set is an arbitrary grouping of network service parameters and is chosen based on a service set identifier (SSID) provided to the access point by the wireless station. (See col. 3, ll. 1-18). A connection may thereafter be allowed if the access point has a matching SSID. (See col. 6, ll. 30-39). Notably, *Meier* thus appears to disclose that the wireless device sends an SSID and then is granted communication access when the access point verifies the SSID provided by the wireless device is stored at the access point. In other words, verification and authentication in *Meier* relates to an SSID of the wireless device that is verified at the access point. Nothing in *Meier*, however, relates to the wireless device/station sending information back to the access point, let alone that the information sent back is previously discovered information about the access point's capabilities so that the access point can verify that the information the station received about the access point's capabilities matches the information that the access point provided about its capabilities, as recited in combination with the other claim elements.

Applicant respectfully submits that *Kallio* is only slightly more relevant in this regard. In particular, *Kallio* describes a system by which terminal devices efficiently transition between access points based on service discovery information transmitted from the second access point (i.e., the access point to which the terminal device is attempting to switch its connection to). In such a system, an access point will receive a service discovery request from the terminal device. (§ 113). The access point then generates a response that includes service description data about the access point. (§ 113). The service description data also includes a group key, and the response is sent to the terminal device. (§§ 113, 114). After the service description data is provided, an authentication process begins, and the access point sends to the terminal device a challenge message. (§ 115). The terminal device will receive the message and process the message with the group key previously transmitted with the service description data, and yield a result that the terminal device then sends to the access point. (§ 115). The access point then receives the information and compares it to an expected result. (§ 116).

In summary, *Kallio* thus has an access point sending initial description data along with a group key, and thereafter sending a challenge to the terminal device. The terminal device then uses the group key to provide a response to the challenge, and serves that response back to the access point. Notably, *Kallio* thus never returns the service description data, let alone any information about the capabilities of the access point back to the access point. Indeed, what is sent to the access point is newly calculated information, and is not even the same information sent by the access point. In other words, *Kallio* describes responding to a challenge with a response, but that response does not include the original discovery information, let alone information about the capabilities of the access point, nor does the access point compare received capability information against sent capability information.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required reason why one skilled in the art would have modified the cited art in the manner officially noticed.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 30th day of November, 2009.

Respectfully submitted,

/Colby C. Nuttall, Reg. No. 58,146/
Colby C. Nuttall

RICK D. NYDEGGER
Registration No. 28,651
COLBY C. NUTTALL
Registration No. 58,146
Attorneys for Applicant
Customer No. 47973